

Greenberg Traurig

Marc Jacobson
Tel. (212) 801-6516
Fax (212) 805-5516
jacobsonm@gtlaw.com

144

Figueira Decl. Tab

144

November 20, 2006

VIA FEDEX

DMCA Complaints
YouTube, Inc.
1000 Cherry Avenue, 2nd flr.
San Bruno, CA 94066

Re: Cherry Lane Music Publishing

Gentlemen:

Attached is a copy of my letter of October 17, 2006, seeking to have a discussion with you regarding the potential for a new licensing agreement with our client, Cherry Lane Music Publishing. We did not receive a response to that letter.

We are the attorneys for Cherry Lane Music Publishing ("Cherry Lane"). Cherry Lane owns or controls the right to musical compositions written and performed by The Black Eyed Peas, John Denver and others. These songs are listed in the attached exhibit, marked schedule A.

Attached as Schedule B is a list of some of the URL's which incorporate some of these songs into videos, for which no licenses were granted.

Our client has a good faith believe that use of all of this material on your site is not authorized by the copyright owner, its agent or the law.

To the best of our knowledge, our client is authorized to act on behalf of itself, and where appropriate, the owner of the compositions, in making this letter. The foregoing statement is made under penalties of perjury.

Our client is far more interested in creating an appropriate licensing scheme to secure revenue from these uses, rather than have you "take down" these uses. However, unless a discussion is held on this subject by Tuesday, November 21, 2006, demand is made that you immediately stop all uses on your site of our client's compositions.

NY 238224100v1 11/15/2006

Greenberg Traurig, LLP | Attorneys at Law | Met Life Building | 200 Park Avenue | New York, NY 10166 | Tel 212.801.9200 | Fax 212.801.6400 | www.gtlaw.com

CONFIDENTIAL

CH00001663
CH00001663

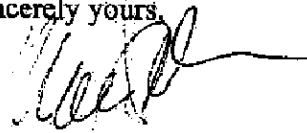
DMCA Complaints
YouTube, Inc.
November 20, 2006
Page 2

144-0002

If you need to contact me, my contact information is included in this letter.

All of our client's rights are expressly reserved, including without limitation the right to bring an action for willful infringement of copyright, for failure to remove the infringing material pursuant to the prior letter.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Marc Jacobson', with a long horizontal flourish extending to the right.

Marc Jacobson

cc: Keith Hauprich, Esq.

NY 238224100v1 11/15/2006

Greenberg Traurig, LLP

CONFIDENTIAL

CH00001664
CH00001664

SCHEDULE B

144-0003

List of certain URL's which infringe on rights controlled by Cherry Lane Music Publishing

<http://www.youtube.com/watch?v=boXl7FPkuF4>

<http://www.youtube.com/watch?v=zuZDuQxRXMM>

<http://www.youtube.com/watch?v=WIM0qvY1Zuo>

<http://www.youtube.com/watch?v=osfirnlGnDM>

<http://www.youtube.com/watch?v=ZsxQCtOoUE>

<http://www.youtube.com/watch?v=YY1URCNcZCo>

<http://www.youtube.com/watch?v=Hmf0phs5NA0>

http://www.youtube.com/watch?v=7eJJyc_fOew

http://www.youtube.com/watch?v=0U9Jl_kvW6E

<http://www.youtube.com/watch?v=GJgcLKMWjkQ>

<http://www.youtube.com/watch?v=S1fwnJQL3Gs>

<http://www.youtube.com/watch?v=OfABI29cSeQ>

<http://www.youtube.com/watch?v=8nqmQ7-jUyE>

<http://www.youtube.com/watch?v=kPfyUY092D0>

<http://www.youtube.com/watch?v=GhSKrYDr6Aw>

http://www.youtube.com/watch?v=UvcP_naeNog

<http://www.youtube.com/watch?v=Oc3zs8qKjW0>

NY 238224217v1 11/15/2006

Greenberg Traurig

Marc Jacobson
Tel. (212) 801-6518
Fax (212) 805-5518
jacobsonm@gtlaw.com

144-0004

October 17, 2006

VIA FEDEX

Mr. Chad Hurley
Mr. Brent Hurley
YouTube, Inc.
71 E. Third Avenue, 2nd floor
San Mateo, CA 94401

Re: **Cherry Lane Music Publishing**

Dear Gentlemen:

Congratulations on the announcement of the pending sale of your company to Google.

Our client, Cherry Lane Music Publishing, owns music publishing rights to certain musical compositions which appear on your site. In addition, they own additional rights to other compositions which may be exploited on your site in the future. These catalogs include rights to compositions recorded by Elvis Presley, the Black Eyed Peas, John Denver, John Legend and other major recording artists.

Rather than assert a claim of infringement in this letter, our clients asked us to contact you with regard to developing an innovative strategy where rights can be exploited, revenue generated and an appropriate division of that revenue be accomplished.

We are certain you are very busy but in order not to embark on a contentious path, we would like a response from you within seven (7) days of the date of this letter.

As you can appreciate, all of our clients' rights are expressly reserved.

Sincerely yours,



Marc Jacobson

cc: Keith Hauprich, Esq.
Don Kaplan, Esq.

NY 238196632v1 10/17/2006

Greenberg Traurig, LLP | Attorneys at Law | Met Life Building | 200 Park Avenue | New York, NY 10166 | Tel 212.801.9200 | Fax 212.801.6400 | www.gtlaw.com

CONFIDENTIAL

CH00001666
CH00001666



144-0006

PLEASE FOLD THIS SHIPPING DOCUMENT IN HALF AND PLACE IT IN A WAYBILL POUCH AFFIXED TO YOUR SHIPMENT SO THAT THE BAR CODE PORTION OF THE LABEL CAN BE READ AND SCANNED. ***WARNING: USE ONLY THE PRINTED ORIGINAL LABEL FOR SHIPPING. USING A PHOTOCOPY OF THIS LABEL FOR SHIPPING PURPOSES IS FRAUDULENT AND COULD RESULT IN ADDITIONAL BILLING CHARGES, ALONG WITH THE CANCELLATION OF YOUR FEDEX ACCOUNT NUMBER.

From Origin ID: JHCA (212) 801 6764
Daneen Williams
Greenberg Traugott
200 Park Ave
15th fl
New York, NY 10166



CLB061205/09/15

Ship Date: 20NOV06
Actual Wgt: 1 LB
System#: 676221FXRS0763
Account#: S *****

REF: 093523 010000

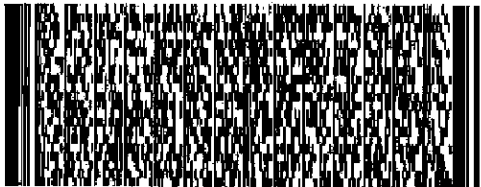


Delivery Address Bar Code

SHIP TO: (650) 872 8513

BILL SENDER

YouTube, Inc.
DMCA Complaints
1000 Cherry Avenue
2nd floor
San Bruno, CA 94066



PRIORITY OVERNIGHT

TUE

Deliver By:
21NOV06

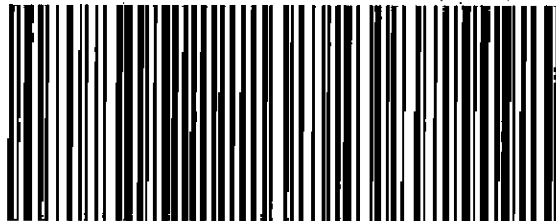
TRK# 7341 1367 6939

FORM
0201

SFO A1

94066 -CA-US

XH BWCA



<http://ny-fdx/tracking.asp?IPADDRESS=10.13.114.97&tracknum=734113676939&ship...> 11/20/2006

CONFIDENTIAL

CH00001668
CH00001668

Track Shipments
Detailed Results Quick Help

144-0007

Tracking number	734113676939	Reference	093523.010000
Signed for by	A.GURRIDO	Destination	San Bruno, CA
Ship date	Nov 20, 2006	Delivered to	Shipping/Receiving
Delivery date	Nov 21, 2006 10:07 AM	Service type	Priority Envelope
		Weight	0.5 lbs.

Status Delivered

Date/Time	Activity	Location	Details
Nov 21, 2006	10:07 AM Delivered	San Bruno, CA	
	7:27 AM On FedEx vehicle for delivery	SOUTH SAN FRANCISCO, CA	
	7:03 AM At local FedEx facility	SOUTH SAN FRANCISCO, CA	
	5:46 AM At dest sort facility	SAN FRANCISCO, CA	
	5:12 AM Departed FedEx location	MEMPHIS, TN	
	12:37 AM Arrived at FedEx location	MEMPHIS, TN	
	1:24 AM Left origin	NEW YORK, NY	
	12:29 AM Departed FedEx location	NEWARK, NJ	
Nov 20, 2006	10:16 PM Arrived at FedEx location	NEWARK, NJ	
	10:14 PM Left origin	NEW YORK, NY	
	8:46 PM Picked up	NEW YORK, NY	
	5:25 PM Package data transmitted to FedEx		

Signature proof

E-mail results

Track more shipments

Subscribe to tracking updates (optional)

Your Name:

Your E-mail Address:

E-mail address

Language

Exception
updatesDelivery
updates

	English	<input type="checkbox"/>	<input type="checkbox"/>
	English	<input type="checkbox"/>	<input type="checkbox"/>
	English	<input type="checkbox"/>	<input type="checkbox"/>
	English	<input type="checkbox"/>	<input type="checkbox"/>

Select format: ☒ HTML ☐ Text ☐ Wireless

Add personal message:

Not available for Wireless or
non-English characters.☐ By selecting this check box and the Submit button, I agree to these [Terms and Conditions](#)

Submit

http://www.fedex.com/Tracking/Detail?ftc_start_url=&totalPieceNum=&backTo=&templ... 12/6/2006